

Remarks

The Final Office Action of January 14, 2009 has been carefully considered.

Claims 1 – 19 are currently pending.

Claim Rejections - 35 U.S.C. § 112

Claims 1 - 19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the phrase “softening temperature” is identified as indefinite. This rejection is traversed.

As noted in the Final Office Action the phrase “softening temperature” is defined in the specification. The definition of “softening temperature provided in the specification has sufficient clarity to those skilled in the art to be definite. The Final Office Action’s rejection is seemingly based on the position that the term “amorphous” is indefinite because there are no techniques sensitive enough to prove whether something is amorphous or not. The Applicants submit that those skilled in the art can determine if a polymer is amorphous or semicrystalline and determine a glass transition temperature of an amorphous system. The Applicants submit the attached article from the Polymer Handbook, Fourth Edition, Volume 1, Wiley Interscience, Pages VI / 194 ff (the section”) as evidence that the amorphous is a term of art and glass transition temperature has meaning to those skilled in the art and that it is a measurable property.

The Examiner’s assertion that an amorphous material cannot be known in practice (in its strictest sense) is not supported by any authority, and is not relevant to the fact that those skilled in the art understand the term and clearly use it in practice,

and are able to distinguish it from a semicrystalline polymer. In fact, the section in the Polymer Handbook indicates "most polymer samples are either amorphous or partially crystalline". The section indicates, "over 10,000 papers contain glass transition data. This section of the Polymer Handbook represents only a fraction of these data." Accordingly, to those skilled in the art, the demarcation between amorphous and semicrystalline polymers is understood to those skilled in the art. Removal of the rejection is requested.

The term "based on" is rejected in at least Claim 1 as being unclear as to whether it means that K is composed solely of C or merely that some C must be present. The Applicants submit that it means that some C must be present. For support of this interpretation, the Applicants cite to the specification that indicates "at its most simple, component K1 may consist solely of the block copolymers C1 and/or K2 may consist solely of the block copolymers C2. See paragraph 24. This disclosure clearly contemplates the possibility that the K is not solely C.

Double Patenting Rejection

Claims 1 – 19 of are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 35 of U.S. Patent No. 6,703,441. Claims 1 - 19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 -15 of U.S. Patent No. 7,067,581. Claims 1 - 19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 -25 of U.S. Patent No. 6,723,407.

Claims 1 - 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 -11 over co-pending Application No. 10/537,469. Terminal disclaimers were filed with the previous response but were not accepted. Replacement Terminal Disclaimers will be filed once the pending rejections have been resolved.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1 - 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukuoka et al (JP 10-025460). This rejection is traversed.

The Final Office Action indicates that Fukuoka et al. does not disclose a composition with all of the claimed features. The Applicants submit that one of ordinary skill in the art would not arrive at the claimed invention by selecting the various features of Fukuoka et al. The claimed invention provides superior results to the compositions taught in Fukuoka. The present Specification specifically compares the use of a triblock copolymer alone and a triblock copolymer with the addition of the inverse triblock copolymer. As indicated in the Specification: "From examples 1-5 it has been demonstrated that as a result of the addition of the inverse triblock copolymers P(B)-P(A)-P(B) an increase in the bond strength was obtained in all cases. Moreover, the adhesive retained its good cohesion in all cases. See Specification at p. 30, lines 8-10 and Table 1 and 2.

There is nothing in the prior art or Fukuoka that would suggest to one skilled in the art that combining the components of the claimed invention would result in superior results. There is no reason why one of skilled in the art would go through the extra

trouble of combining the inverse triblock copolymer with the expectation of achieving these superior results. Accordingly removal of the rejection is respectfully requested.

Claims 1 - 12 and 15 - 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peffley et al (U.S. 6,093,410). Again, the Office Action indicates that Peffley et al. does not disclose a composition with all of the claimed features. For the reasons discussed above with regard to Peffley, This rejection is traversed.

Specifically, the claimed invention provides superior results to the compositions taught in Peffley. The present specification specifically compares the use of a triblock copolymer alone and a triblock copolymer with the addition of the inverse triblock copolymer. As indicated in the specification: "From examples 1-5 it has been demonstrated that as a result of the addition of the inverse triblock copolymers P(B)-P(A)-P(B) an increase in the bond strength was obtained in all cases. Moreover, the adhesive retained its good cohesion in all cases. See Specification at p. 30, lines 8-10 and Table 1 and 2.

There is nothing in the prior art or Peffley that would suggest to one skilled in the art that combining the components of the claimed invention would result in superior results. There is no reason why one of skilled in the art would go through the extra trouble of combining the inverse triblock copolymer with the expectation of achieving these superior results. Accordingly removal of the rejection is respectfully requested.

Claims 1 - 12 and 15 - 19 are rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over Kengly (WO 00/12645). This rejection is traversed.

In contrast to the invention as claimed, Kengly discloses an ABAD tetra block copolymer and ABA triblock copolymer. Therefore, the combination of a tetra block copolymer and triblock copolymer does not disclose all the features of the claimed invention. Accordingly, the reference does not anticipate the currently pending claims.

Additionally, the Kengly discloses this combination as optional. Kengly specifically contemplates using the ABAD copolymer and the ABA copolymer alone. Specifically, Kengly teaches a linear block copolymer of the formula of ABAD and/or ABA. Clearly the reference does not recognize the importance of a mixture between the triblock copolymer and its inverse triblock copolymer wherein the combination provides unexpected results as discussed with regard to the previous references. Accordingly, removal of the rejection is respectfully requested.

Conclusion

The instant application is believed to be in condition for allowance. A Notice of Allowance of Claims 1 - 19 is respectfully requested. The Examiner is invited to telephone the undersigned at (908) 722-0700 if it is believed that further discussions, and/or additional amendment would help advance the prosecution of the instant application.

If any extension of time for this response is required, applicants request that this be considered a petition therefore. Please charge any required petition fee to Deposit Account No. 14-1263.

Respectfully submitted,

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Enclosure: Pages from Polymer Handbook, Fourth Edition, Volume 1, Wiley
Interscience

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